

File

DEPARTMENT OF HEALTH AND HUMAN SERVICES
HEALTH CARE FINANCING ADMINISTRATION

Attachment B
Form Approved
OMB No. 0938-0193

TRANSMITTAL AND NOTICE OF APPROVAL OF
STATE PLAN MATERIAL
FOR: HEALTH CARE FINANCING ADMINISTRATION

TRANSMITTAL NUMBER 89-5	STATE Massachusetts
PROGRAM IDENTIFICATION Title XIX	
PROPOSED EFFECTIVE DATE 1/1/89	

REGIONAL ADMINISTRATOR
HEALTH CARE FINANCING ADMINISTRATION
DEPARTMENT OF HEALTH AND HUMAN SERVICES

TYPE OF PLAN MATERIAL (Check One)

- ☐ NEW STATE PLAN ☐ AMENDMENT TO BE CONSIDERED AS NEW PLAN ☒ AMENDMENT


COMPLETE NEXT 4 BLOCKS IF THIS IS AN AMENDMENT (Separate transmittal for each amendment)

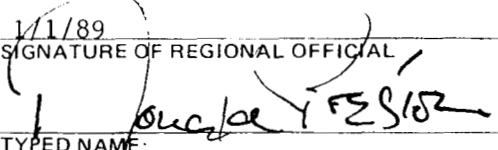
FEDERAL REGULATION CITATION Section 1902 (r) (2) of the Social Security Act	
NUMBER OF THE PLAN SECTION OR ATTACHMENT Attachment 2.6-A pgs. 5-7, 12, 13, 18 Supplements 11, 12	NUMBER OF THE SUPERSEDED PLAN SECTION OR ATTACHMENT Same

SUBJECT OF AMENDMENT
DEFRA moratorium - prospective

GOVERNOR'S REVIEW (Check One)

- ☐ GOVERNOR'S OFFICE REPORTED NO COMMENT ☒ OTHER, AS SPECIFIED:
☐ COMMENTS OF GOVERNOR'S OFFICE ENCLOSED Not required under
☐ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITTAL

SIGNATURE OF STATE AGENCY OFFICIAL

TYPED NAME:
Joseph Gallant
TITLE:
Commissioner
RETURN TO:
Department of Public Welfare
180 Tremont St - 13th Floor
Medicaid Division
Boston, MA 02111
Attn: S. Gillis

FOR REGIONAL OFFICE USE ONLY	
DATE RECEIVED 3/31/89	DATE APPROVED 6/6/01
PLAN APPROVED - ONE COPY ATTACHED	
EFFECTIVE DATE OF APPROVED MATERIAL 1/1/89	
SIGNATURE OF REGIONAL OFFICIAL 	
TYPED NAME: Ronald Preston	
TITLE: Associate Regional Administrator Division of Medicaid and State Operations	
REMARKS:	

Citation	Condition or Requirement
	3. For families and children, each family member: AFDC level: \$167-2nd \$125-7th Medically needy level: \$483/first+ 125-3rd 117-8th Other as follows: \$116-4th 125-9th 125-5th 125-10th 125-6th 133-each additional
	4. Amounts for incurred medical expenses not subject to payment by a third party. a. Health insurance premiums, deductibles, and co-insurance charges. b. Necessary medical or remedial care not covered under the Medicaid plan (reasonable limits on amounts are described in Supplement 3 to ATTACHMENT 2.6-A.)
	5. An amount for maintenance of a single individual's home for not longer than 6 months, if a physician has certified he or she is likely to return home within that period. X Yes. Amount for maintenance of home \$483/month or actual cost of maintaining home, whichever is less. No.
1902(1) of the Act, P.L. 99-643 (Section 3(b))	6. SSI benefits paid under Section 1611(e)(1)(E) of the Act to blind or disabled individuals during the initial 2 months in which the individuals receive care in a hospital, SNF, or ICF if the individuals are allowed to retain the benefits under agreement with the facility.
435.711 435.721 435.831	*C. <u>Financial Eligibility -- Categorically and Medically Needy and Qualified Medicare Beneficiaries</u> 1. Income disregards -- categorically and medically needy and qualified Medicare beneficiaries

*The state is using more liberal disregards under 2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplements 5, 11 and 12 to Attachment 2.6-A.

TN No. 89-5
Supersedes
TN No. 89-4

Approval Date:

6/6/01

Effective Date: 01/01/89

HCFA ID: 1038P/0015P

Citation	Condition or Requirement
435.721 435.831 and 1902(m)(1)(B) and (m)(4) of the Act, P.L. 99-509 (Secs. 9402(a) and (b))	<p>* a. Except as specified under item C.1.e. below, in determining countable income for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied.</p> <p>* b. In determining countable income for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied:</p> <p><input checked="" type="checkbox"/> The disregards of the SSI program.</p> <p><input type="checkbox"/> The disregards of the State supplementary payment program, as follows:</p> <p><input type="checkbox"/> The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act:</p>
<p>*The state is using more liberal disregards under §2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplements 5, 11 and 12 to attachment 2.6-A.</p>	
TN No. 89.5	Approval Date 6/6/01
Supersedes	Effective Date 11/1/89
TN No.	

Citation	Condition or Requirement
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*c. In determining countable income for blind individuals, the following disregards are applied:

___ The disregards of the SSI program.

___ The disregards of the State supplementary payment program, as follows:

___ The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act.

435.721
435.831
and 1902(m)(1)(B)
and (m)(4) of
the Act,
P.L. 99-509
(Secs. 9402(a)
and (b))

*d. In determining countable income for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act the following disregards are applied:

 X The disregards of the SSI program.

*The state is using more liberal disregards under § 2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplements 5, 11 and 12 to Attachment 2.6-A.

TN No. 39-5
Supersedes
TN No. _____

Approval Date 6/6/01

Effective Date 11/1/89

HCFA ID: 10382/0010F

Citation

Condition or Requirement

(4) Other deductions from income applied under the Medicaid plan.

(5) Required incurred medical and remedial services.

5. Resource Exceptions - Categorically and Medically Needy

* a. Except as specified in item C.5.a. below, in determining countable resources for AFDC related individuals, the disregards and exemptions in the State's approved AFDC plan are applied.*

1902(a)(10)
and 1902(m)(1)
(C) of the Act
P.L. 97-248
(Section 137) and
P.L. 99-509
(Section 9402)

* b. In determining countable resources for aged individuals, including aged individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied: *

X The disregards of the SSI program.

— The disregards of the SSI program, except for the following restrictions, applied under the provisions of section 1902(f) of the Act:

* c. In determining countable resources for blind individuals, the following disregards are applied: *

— The disregards of the SSI program.

— The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act:

*The state is using more liberal disregards under § 2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplements 5, 11 and 12 to Attachment 2.6-A

IR No. 835
Supersedes
IR No.

Approval Date 6-6-01

Effective Date 11/18/89

HCFA ID: 1038P/0015P

Citation	Condition or Requirement
1902(a)(10) and 1902(m)(1)(C) of the Act, P.L. 97-248 (Section 137) and P.L. 99-509 (Section 9402)	<p>*d. In determining countable resources for disabled individuals, including disabled individuals with incomes up to the Federal nonfarm poverty line described in section 1902(m)(1) of the Act, the following disregards are applied: *</p> <p><input checked="" type="checkbox"/> The disregards of the SSI program.</p> <p><input type="checkbox"/> The disregards of the SSI program, except for the following restrictions applied under the provisions of section 1902(f) of the Act:</p>
1902(1)(3)(B) of the Act, P.L. 99-509 (Section 9401(b))	<p>e. In determining countable resources of women during pregnancy and during the 60-day period beginning on the last day of pregnancy covered under the provisions of section 1902(a)(10)(A)(ii)(IX) of the Act, the following disregards are applied:</p> <p><input checked="" type="checkbox"/> Not applicable. No resource standard is applied.</p> <p><input type="checkbox"/> The disregards of the SSI program.</p> <p><input type="checkbox"/> The following disregards which are different but not more restrictive than the disregards of the SSI program:</p>

*The state is using more liberal disregards under § 2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplements 5, 11 and 12 to Attachment 2.6-A.

IR No. 89-5
Supersedes
IR No.

Approval Date 6-6-01

Effective Date 1/1/89

Under the authority of 42 U.S.C. § 1396(a)(10)(C)(i)(III), as amended by the Medicare Catastrophic Coverage Act of 1988, the state will use a methodology no more restrictive than those used in SSI or AFIP

Citation

Condition or Requirement

*10. Treatment of Income and Resources - Categorically and Medically Needy and Qualified Medicare Beneficiaries

a. AFDC related individuals (other than under items 9.e. and f. below)

The agency uses the same methodologies for treatment of income and resources as used in the State's approved AFDC State plan.

1902(a)(10)(A),
1902(a)(10)(C),
and 1902(m)(1)(B)
and (C) of the
Act, P.L. 99-509
(Section 9402(a))

b. Aged individuals, including individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act

☒ The agency uses no more restrictive methodologies for treatment of income and resources than used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).

☐ The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act. The methodologies are described in Supplement 5 to ATTACHMENT 2.6-A.

c. Blind individuals

☐ The agency uses the same methodologies for treatment of income and resources as used in the SSI program (or the optional State supplement program which meets the requirements of 42 CFR 435.230, as appropriate).

☐ The agency uses methodologies for treatment of income and resources that differ from those of the SSI program. These differences result from restrictions applied under section 1902(f) of the Act.

*The state is using more liberal disregards under §2373(c) of DRA and 1902r(2) of the Act. The more liberal disregards are reflected on Supplement 5, 11 and 12 to Attachment 2.6-A-

TH No.

Supersedes

TH No.

Approval Date 6-6-01

Effective Date

WPS

Citation

Condition or Requirement

The methodologies are described in
Supplement 5 to ATTACHMENT 2.6-A.

1902(a)(10)(A),
1902(a)(10)(C),
and 1902(m)(1)(B)
and (C) of the
Act, P.L. 99-509
(Section 9402(a))

- * d. Disabled individuals, including individuals
covered under section 1902(a)(10)(A)(ii)(X) of
the Act.

X

The agency uses no more restrictive
methodologies for treatment of income
and resources then used in the SSI
program (or the optional State supplement
program which meets the requirements of 42
CFR 435.230, as appropriate).

____ The agency uses methodologies for treatment
of income and resources that differ from
those of the SSI program. These
differences result from restrictions
applied under section 1902(f) of the Act.
The methodologies are described in
Supplement 5 to ATTACHMENT 2.6-A.

1902(1)(3)
of the Act,
P.L. 99-509
(Section 9401(b))

- e. Individuals who are pregnant women covered
under section 1902(a)(10)(A)(ii)(X)(A) of the
Act.

(1) Treatment of Income

The agency uses the same methodologies for
treatment of income as used under--

X The State's approved AFDC plan.

____ The approved title IV-E plan.

(2) Treatment of Resources

____ The agency uses the same methodologies
for treatment of resources as used in
the SSI program.

*The state is using more liberal disregards under 2373(c)
of DRA and 1902r(2) of the Act. The more liberal disregard
are reflected on Supplements 5, 11 and 12 to Attachment
2.6-A

TH No. 586
Supersedes
IR No.

Approval Date 6-6-01

Effective Date 7/1/89

Revision: HCFA-AT-85-3 (BERC)
February 1985

SUPPLEMENT 11 TO ATTACHMENT 2.6-A
Page 1
OMB No.: 0938-0193

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

The policies in Supplement 11 to Attachment 2.6-A, apply to the groups covered under the following sections of the Social Security Act.

- [1902 (a)(10)(A)(i)(III)] Qualified pregnant women and children
- [1902 (a)(10)(A)(i)(IV)] Pregnant women and infants under age 1
- [1902 (a)(10)(A)(ii)] Optional categorically needy coverage groups
- [1902 (a)(10)(C)(i)(III)] Medically needy

The policies in supplement 11 to Attachment 2.6-A, pages 1-12, shall be in effect from 10/1/81 forward unless otherwise stated.

1. That portion of an applicant's or recipient's income which must be paid and actually is paid under a court-order for alimony, spousal support or child support is excluded from his or her countable income.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

2. The amount of life insurance proceeds that exceeds either \$1,500 or the amount expended by the beneficiary of the policy on the cost of the insured individual's last illness and burial, whichever is less, is countable income.

This applies only to SSI-related elderly or disabled applicants and recipients.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

Revision: HCFA-AT-85-3 (BERC)
February 1985

SUPPLEMENT 11 TO ATTACHMENT 2.6-A
Page 3
OMB No.: 0938-0193

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

3. The income of any member of the filing unit who is an AFDC, RRP, GR, Pickle or SSI recipient is noncountable.

TN No. 895
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

HCFA ID: 4093E/0002P

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

4. A parent, whether natural or adoptive, has the financial responsibility for the support of his or her unemancipated children under the age of 18. Parents do not have financial responsibility for the support of emancipated children or for the support of children who have reached the age of 18.

This policy has been in effect since 4/19/83.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

5. When the natural or adoptive parent of a child remarries, the assets and income of the stepparent are available to the spouse. The stepparent does not have financial responsibility for the child unless the child is adopted.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

6. When spouses reside together, either in the community or in the same room in a long-term-care facility, the assets and income of each spouse are considered mutually available, whether or not actually contributed.

In the following circumstances, the assets and income of both spouses will not be considered mutually available.

- a. When an applicant or recipient meets all of the following criteria, only the assets and income of the applicant or recipient are considered in determining his or her eligibility for MA. The individual:
1. must be at least 60 years of age;
 2. must be certified by the Long Term Care Connection to be in need of the level of care provided in a skilled nursing facility (SNF) or intermediate care facility (ICF);
 3. would be institutionalized in an SNF or ICF, unless he or she receives at least one of the following home and community based services administered by the Department of Elder Affairs:
 - (a) Case Management Services;
 - (b) Homemaker Services;
 - (c) Chore Services;
 - (d) Social Day Care; and
 - (e) Respite Care Services; and
 4. must be otherwise eligible for MA.
- b. When an applicant is receiving hospice care, as described in 106 CMR 507.400, only the assets and income of the applicant or recipient are considered in determining his or her eligibility for MA.

The policy described in 11. a. has been in effect since August 15, 1985.

The policy described in 11. b. has been in effect since October 1, 1988.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

7. When an SSI-related child under the age of 18 a) who is absent from the parental home and is not expected to return to the parental home by the end of the calendar month of separation or the month immediately following; and b) is an applicant or recipient of Medicaid, the assets and income of the parents are not considered available to the child. For newborns who have never resided with their parents, the date of birth is considered the date of separation.

This policy has been in effect since April 1, 1988.

TN No. 89-5
Supersedes
TN No.

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

8. The Home Care for Disabled Children Program allows a child age 18 or under who is severely disabled to remain at home without consideration of parental income and assets provided the child meets the following criteria.

(A) The basic criteria are:

- (1) The child's countable assets and income would be within the SSI standard, if he or she were in a medical institution (106 CMR 505.110(B) and 506.420); and
- (2) The child is a disabled individual as defined in Title XVI of the Social Security Act; and
- (3) The State has determined that the child requires a level of care provided in an acute hospital, chronic hospital, or pediatric nursing home as described in 106 CMR 507.200 (B), (C), and (D); (see (B), (C), and (D) below for description of these levels of care)
- (4) It is appropriate to provide such care for the individual outside the institution; and
- (5) The estimated amount that would be expended for medical assistance for the individual for such care outside an institution is not greater than the estimated amount that would otherwise be expended for medical assistance for the individual within an appropriate institution.

(B) In an acute hospital the child would require the following care:

- (1) direct administration of skilled nursing services, seven days a week, 24 hours daily; and
- (2) daily medical management under the direction and supervision of a physician; and
- (3) continued use of medical technology and/or invasive techniques to sustain life, such as ventilation and hyperalimentation; and at least one of the following:
 - a. assistance in some or all activities of daily living (ADL's);
or
 - b. skilled therapeutic service (occupational therapy, physical therapy, or speech/language therapy) seven days a week.

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Effective Date 11/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

(C) In a chronic hospital the child would require the following care:

- (1) direct administration of skilled nursing services seven days a week; and
- (2) weekly medical management under the direction and supervision of a physician; and at least one of the following:
 - a. skilled therapeutic services five days a week; or
 - b. assistance in some or all ADL's; or
 - c. continued use of medical technology and/or invasive techniques to sustain life, such as ventilation or hyperalimentation.

(D) To receive treatment in a pediatric nursing home the child must be non-ambulatory and function at a cognitive level of 12 months or less as indicated by an approved developmental assessment performed by the child's primary care physician or by another professional prescribed by the primary care physician; and require the following care:

- (1) supervision and direct skilled nursing care as provided by a registered nurse, seven days a week; or
- (2) daily management and direct skilled nursing services as provided by a registered nurse at least weekly, and substantiated by the delivery of direct daily care by a licensed practical nurse or nurse's aide; and
- (3) assistance in all ADL's; and
- (4) skilled therapeutic services five days a week, or a combination of different skilled services on different days, but at least one skilled service every day; and
- (5) treatment by a physician at least once every 30 days.

This policy has been in effect since 11/1/87.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

9. Treatment of Lump Sum Payments.

(A) Definitions

A lump sum payment is a one time only payment that represents either windfall payments such as inheritances or legacies; or the accumulation of recurring income such as retroactive Unemployment Compensation, Railroad Retirement, Federal VA benefits or Social Security (RSDI).

A retroactive RSDI and/or SSI benefit payment is counted as unearned income in the month received, but does not become a countable asset until the first day of the seventh calendar month after the month of receipt;

Other lump sum payments are counted as unearned income in the calendar month received and as an asset in subsequent months except in the situations specified below:

1. proceeds reserved for the replacement or repair of an asset that is lost, damaged or stolen and any interest earned on such proceeds subject to the provisions of 106 CMR 505.170(I);
2. proceeds from the sale of a home used as the principal place of residence subject to the provisions of 106 CMR 505.170(J);
3. proceeds from the sale of real estate other than a home subject to the provisions of 106 CMR 505.160(H);
4. proceeds from the sale of nonexempt vehicles subject to the provisions of 106 CMR 505.160(G).

(B) Verifications

Verification of a lump sum payment is mandatory and shall be verified when received by one of the following:

- a. a benefit or settlement award letter;
- b. a retirement fund document indicating the amount of the lump sum payment;
- c. a written statement from the agency, company or institution making the payment; or
- d. a copy of the payment document.

TN No. 89-5
Supersedes
TN No.

Approval Date 6-6-89

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

10. A retroactive SSI and/or RSDI benefit payment is noncountable as income or assets for six-months after the month of receipt provided the payment is deposited in a separately identifiable account. Any amount of the benefit still retained on the first day of the seventh calendar month after the month of receipt becomes a countable asset.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 11/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

11. When an institutionalized applicant or recipient has a spouse in the community, the institutionalized individual can reduce his or her countable income by an amount which may be needed to ensure that the spouse in the community has income at least equal to the "Maintenance Needs Allowance". In determining the amount, if any, of the community spouse's "Maintenance Needs Allowance", the applicable categorically related disregards are allowed against his or her otherwise countable income.

If the community spouse is neither AFDC-related nor SSI-related, only the following earned income deductions are allowed:

- a. \$11, and
- b. any of the following work-related expenses when they are deducted from salary:
 1. Social Security taxes (FICA);
 2. federal and state income taxes;
 3. retirement and employee benefit plans;
 4. health or medical insurance premiums; and
 5. union dues.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

The policies in Supplement 12 to Attachment 2.6-A, apply to the groups covered under the following sections of the Social Security Act.

- [1902 (a)(10)(A)(i)(III)] Qualified pregnant women and children
- [1902 (a)(10)(A)(i)(IV)] Pregnant women and infants under age 1
- [1902 (a)(10)(A)(ii)] Optional categorically needy coverage groups
- [1902 (a)(10)(C)(i)(III)] Medically needy

The policies in supplement 12 to Attachment 2.6-A, pages 1-14, were in effect from 10/1/81 forward unless otherwise stated.

1. The medically needy resource policy is less restrictive than the AFDC and SSI related resource policies in that it provides for higher asset limits. No medically needy person applying for Medicaid will be denied eligibility under the proposed policy due to owning resources which meet or are less than the resource limits for AFDC or SSI.

This policy has been in effect since 2/1/88.

TN No. 89-5
Supersedes
TN No.

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

2. An inaccessible asset is an asset to which the applicant or recipient has no ready access and is not counted when determining eligibility for medical assistance. Inaccessible assets include, but are not limited to, property the ownership of which is the subject of legal proceedings (e.g., probate, divorce suits, etc.); and the cash surrender value of life insurance policies when the policy has been assigned to the issuing company for adjustment. An asset shall also be inaccessible while the applicant's or recipient's medical condition (mental or physical impairment) prevents him or her from taking action directly or through a third party to reduce the excess assets.

TN No. 89-5
Supersedes _____
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

3. One vehicle per filing unit shall be exempt from having its equity value counted as an asset, provided it is used primarily for transportation purposes. The equity value of all vehicles owned by the filing unit including vehicles that are used primarily for recreational purposes such as snowmobiles, boats, trailers, jeeps, vans and motorcycles shall be countable. The exempt vehicle shall be the one selected by the filing unit.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 4/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

4. The assets of any member of the household who is an AFDC, RRP, SSI, GR or Pickle recipient are noncountable.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

5. Any burial space for the applicant, recipient or family member; a separately identifiable amount not to exceed two thousand five hundred dollars (\$2,500) for each member of a filing unit, expressly reserved for funeral and burial expenses; the cash surrender value of burial insurance, so called; prepaid irrevocable burial contracts; and irrevocable trust accounts designated for funeral and burial expenses are non-countable resources. Appreciated value or interest earned or accrued and left to accumulate on any such contract or account shall also be noncountable. Use of any of these assets including the interest accrued for other than funeral or burial arrangements of a member of the filing unit shall make the asset available and countable under the appropriate provisions of 106 CMR 505.120 and 505.160.

The applicant or recipient has the right to establish or change the designation of funds owned by him or her to a separate, identifiable burial account not to exceed \$2500, and it shall be the duty of the Department to inform him or her of the right to establish such a fund.

If the burial account is in existence at the time of application, it is deemed to be in existence for up to three months prior to application, provided that the account is separately identifiable, clearly designated for burial expenses, and no withdrawals have been made during the period for which retroactive coverage is requested.

This policy has been in effect since 3/3/83.

TN No. 89-5
Supersedes
TN No. _____

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Massachusetts (DPW)

6. A parent, whether natural or adoptive, has the financial responsibility for the support of his or her unemancipated children under the age of 18. Parents do not have financial responsibility for the support of emancipated children or for the support of children who have reached the age of 18.

This policy has been in effect since 4/19/83.

TN No. 80-5
Supersedes
TN No.

Approval Date 6-6-01

Effective Date 1/1/89

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

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7. When the natural or adoptive parent of a child remarries, the assets and income of the stepparent are available to the spouse. The stepparent does not have financial responsibility for the child unless the child is adopted.

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8. When spouses reside together, either in the community or in the same room in a long-term-care facility, the assets and income of each spouse are considered mutually available, whether or not actually contributed.

In the following circumstances, the assets and income of both spouses will not be considered mutually available.

- a. When an applicant or recipient meets all of the following criteria, only the assets and income of the applicant or recipient are considered in determining his or her eligibility for MA. The individual:
1. must be at least 60 years of age;
 2. must be certified by the Long Term Care Connection to be in need of the level of care provided in a skilled nursing facility (SNF) or intermediate care facility (ICF);
 3. would be institutionalized in an SNF or ICF, unless he or she receives at least one of the following home and community based services administered by the Department of Elder Affairs:
 - (a) Case Management Services;
 - (b) Homemaker Services;
 - (c) Chore Services;
 - (d) Social Day Care; and
 - (e) Respite Care Services; and
 4. must be otherwise eligible for MA.
- b. When an applicant is receiving hospice care, as described in 106 CMR 507.400, only the assets and income of the applicant or recipient are considered in determining his or her eligibility for MA.

The policy described in 11. a. has been in effect since August 15, 1985.

The policy described in 11. b. has been in effect since October 1, 1988.

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9. When an SSI-related child under the age of 18 a) who is absent from the parental home and is not expected to return to the parental home by the end of the calendar month of separation or the month immediately following; and b) is an applicant or recipient of Medicaid, the assets and income of the parents are not considered available to the child. For newborns who have never resided with their parents, the date of birth is considered the date of separation.

This policy has been in effect since April 1, 1988.

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10. The Home Care for Disabled Children Program allows a child age 18 or under who is severely disabled to remain at home without consideration of parental income and assets provided the child meets the following criteria.

(A) The basic criteria are:

- (1) The child's countable assets and income would be within the SSI standard, if he or she were in a medical institution (106 CMR 505.110(B) and 506.420); and
- (2) The child is a disabled individual as defined in Title XVI of the Social Security Act; and
- (3) The State has determined that the child requires a level of care provided in an acute hospital, chronic hospital, or pediatric nursing home as described in 106 CMR 507.200 (B), (C), and (D); (see (B), (C), and (D) below for description of these levels of care)
- (4) It is appropriate to provide such care for the individual outside the institution; and
- (5) The estimated amount that would be expended for medical assistance for the individual for such care outside an institution is not greater than the estimated amount that would otherwise be expended for medical assistance for the individual within an appropriate institution.

(B) In an acute hospital the child would require the following care:

- (1) direct administration of skilled nursing services, seven days a week, 24 hours daily; and
- (2) daily medical management under the direction and supervision of a physician; and
- (3) continued use of medical technology and/or invasive techniques to sustain life, such as ventilation and hyperalimentation; and at least one of the following:
 - a. assistance in some or all activities of daily living (ADL's); or
 - b. skilled therapeutic service (occupational therapy, physical therapy, or speech/language therapy) seven days a week.

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(C) In a chronic hospital the child would require the following care:

- (1) direct administration of skilled nursing services seven days a week; and
- (2) weekly medical management under the direction and supervision of a physician; and at least one of the following:
 - a. skilled therapeutic services five days a week; or
 - b. assistance in some or all ADL's; or
 - c. continued use of medical technology and/or invasive techniques to sustain life, such as ventilation or hyperalimentation.

(D) To receive treatment in a pediatric nursing home the child must be non-ambulatory and function at a cognitive level of 12 months or less as indicated by an approved developmental assessment performed by the child's primary care physician or by another professional prescribed by the primary care physician; and require the following care:

- (1) supervision and direct skilled nursing care as provided by a registered nurse, seven days a week; or
- (2) daily management and direct skilled nursing services as provided by a registered nurse at least weekly, and substantiated by the delivery of direct daily care by a licensed practical nurse or nurse's aide; and
- (3) assistance in all ADL's; and
- (4) skilled therapeutic services five days a week, or a combination of different skilled services on different days, but at least one skilled service every day; and
- (5) treatment by a physician at least once every 30 days.

This policy has been in effect since 11/1/87.

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State: Massachusetts (DPW)

11. Treatment of Lump Sum Payments.

(A) Definitions

A lump sum payment is a one time only payment that represents either windfall payments such as inheritances or legacies; or the accumulation of recurring income such as retroactive Unemployment Compensation, Railroad Retirement, Federal VA benefits or Social Security (RSDI).

A retroactive RSDI and/or SSI benefit payment is counted as unearned income in the month received, but does not become a countable asset until the first day of the seventh calendar month after the month of receipt;

Other lump sum payments are counted as unearned income in the calendar month received and as an asset in subsequent months except in the situations specified below:

1. proceeds reserved for the replacement or repair of an asset that is lost, damaged or stolen and any interest earned on such proceeds subject to the provisions of 106 CMR 505.170(I);
2. proceeds from the sale of a home used as the principal place of residence subject to the provisions of 106 CMR 505.170(J);
3. proceeds from the sale of real estate other than a home subject to the provisions of 106 CMR 505.160(H);
4. proceeds from the sale of nonexempt vehicles subject to the provisions of 106 CMR 505.160(G).

(B) Verifications

Verification of a lump sum payment is mandatory and shall be verified when received by one of the following:

- a. a benefit or settlement award letter;
- b. a retirement fund document indicating the amount of the lump sum payment;
- c. a written statement from the agency, company or institution making the payment; or
- d. a copy of the payment document.

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12. A retroactive SSI and/or RSDI benefit payment is noncountable as income or assets for six-months after the month of receipt provided the payment is deposited in a separately identifiable account. Any amount of the benefit still retained on the first day of the seventh calendar month after the month of receipt becomes a countable asset.

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13. The home is treated as the principal place of residence and is non-countable for both community and institutionalized applicants and recipients.

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